

Co. from Kansas City, Kans.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On May 25, 1942, the Twenhofel Manufacturing Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged in suitable and proper containers under the supervision of the Food and Drug Administration.

**3844. Adulteration of chili peppers. U. S. v. 21 Bags of Mexican Chili Peppers. Default decree of condemnation and destruction. (F. D. C. No. 7186. Sample No. 71821-E.)**

This product had been stored, after its receipt in interstate commerce, in a rodent-infested storehouse, some of the bags and their contents had been chewed by rodents, and rodent hairs and pellets were found on the peppers.

On April 14, 1942, the United States attorney for the Western District of Tennessee filed a libel against 21 bags of chili peppers at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 1, 1941, from Los Angeles, Calif., and was in possession of Canova Foods, Inc. Memphis, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Tag) "To: Canova Foods Inc. 400 Tenn. Memphis, Tenn."

On May 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3845. Adulteration of spices and adulteration and misbranding of celery seed. U. S. v. 77 Cases of Ground Black Pepper, et al. Default decree of condemnation and destruction. (F. D. C. No. 7409. Sample Nos. 71962-E to 71968-E, incl.)**

Rodent hairs, insect fragments, rodent pellet fragments, and feather fragments were found in samples taken from these products. The celery seed was also short of the declared weight.

On April 30, 1942, the United States attorney for the Eastern District of Arkansas filed a libel against 77 cases of ground black pepper, 7 cases of chili powder, 5 cases of celery seed, 8 cases of ground cinnamon, 5 cases of ground cloves, and 9 cases of ground ginger at Little Rock, Ark., alleging that they had been shipped in interstate commerce on or about February 26, 1942, by Canova Foods, Inc., from Memphis, Tenn. The articles were labeled in part "Canova Brand."

They were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

The celery seed was alleged to be misbranded (1) in that the statement on the can, "1½ Ozs. Net Weight," was false and misleading as applied to an article that was short weight; and (2) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 6, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**3846. Adulteration and alleged misbranding of mustard and mustard bran. U. S. v. 93 Dozen Jars of Mustard and Mustard Bran. Default decree of condemnation and destruction. (F. D. C. No. 7436. Sample No. 87958-E.)**

In addition to containing rodent hair, this product also was found to be short of the declared weight.

On or about May 9, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 93 dozen 32-ounce jars of mustard and mustard bran at Johnson City, Tenn., alleging that the article had been shipped in interstate commerce on or about March 5, 1942, by Siler Brokerage Co. from Bristol, Va.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Four Star Mustard and Mustard Bran \* \* \* Manufactured by Dee's Foods Inc. Bristol, Va.-Tenn."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with a filthy, putrid, or decomposed substance, so as to make it unfit for consumption as food.

It was alleged to be misbranded in that it was labeled "Contents 32 Oz. Net Wt."; whereas each jar of the mustard did not contain 32 ounces net weight.